HIGH COURT OF UTARANCHAL AT NAINITAL

Civil Contempt Petition No. 92 of 2006

Saurav Pundir S/o Sri Mahindra Singh
R/o -71/10, New Nehru Nagar, Roorkee,
District- Haridwar .....Petitioner

Vs

1. Sri N.K. Chaudhary,
   Director/Committee of Management
   Roorkee College of Pharmacy, Roorkee,
   District-Haridwar.
2. Dr. Sudhir, Principal,
   Roorkee College of Pharmacy,
   Roorkee, District- Haridwar. .....Respondent

Sri Lok Pal Singh learned counsel for the petitioner.

Dated: 24-4-2006

Hon'ble B.S. Verma, J.

Heard Sri Lok Pal Singh learned counsel for the petitioner.

The petitioner has filed Contempt Petition for dis-obedience of the Court's order dated 3-10-2005 passed in Writ Petition No. 1120 (M/S) of 2005, Saurav Pundir and others Vs. State of Uttaranchal and others.

On 3-10-2005, this court passed the following order:-

"Heard learned counsel for the petitioner.

Learned standing counsel vide order dated 29-09-2005 was granted time to produce the report of Fee Structure Committee. Today, learned Standing Counsel seeks time to obtain the same.

Learned counsel for the petitioners undertake to make the payment of enhanced fee in respect of the petitioners in case, the enhanced fee is recommended by the Fee Structure Committee. The same shall be verified immediately after the report of Fee Struc6ture Committee is produced by learned Standing counsel. Till then, the respondents are directed to permit the petitioners

to undertake their studies as the petitioners have deposited the fee, which was admissible prior to the new fee structure."

Subsequent to passing of the aforesaid order a letter was written by the principal-respondent No.2 to the student-petitioner (Annexure No.2) to the contempt petition, whereby the principal had written to the student that the Fee Fixation Committee had already recommended the fee Structure and pursuant to the said recommendation, the Government of Uttaranchal has fixed the Fee Structure vide G.O. 593/XXIV (8)/2005-51/2005, dated 11-7-2005, which is contained in Annexure No.1. The Government of Uttaranchal has thereafter issued another G.O. 1065/XXIV (8)2005-51/2005, dated 7-2-2006, whereby the Government has confirmed issuance of earlier G.O reinforced to above, copy of G.O. is enclosed as Annexure No.2.

Learned counsel for the petitioner argued that the Government of Uttaranchal id not issue any Government Order which has been mentioned in the letter dated 31-3-2006 and the averment, which has been made in the letter regarding the Government Order is vague.

It was undertaken on behalf of the student before the learned court on 3-10-2005 that in case the enhanced fee is recommended by the Fee Structural Committee, he will make the payment of enhanced fee.

In view of the aforesaid facts and circumstance of the case at this stage I am not inclined to issue to the respondent for disobedience of the Court's order dated3-10-2005.

The contempt petition is dismissed in limine.

(B.S. Verma, J.)

Dated: -24-4-2006
M.K.